

THE  
**Sighs of France**  
IN  
**SLAVERY,**  
Breathing after  
**LIBERTY.**  
WHEREIN

Is Unfolded the rest of the Means made  
use of by the *French* Court, to maintain its  
Tyranny, and exercise its Arbitrary Power.

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**The Fifth Memorial.**

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Done out of *FRENCH*.

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L O N D O N,

Printed for *D. Newman*, at the *Kings Arms* in  
the *Poultry*, 1690.

THE  
Spirits of Justice

IN  
SLAVERY

LIBERTY

WARRIN

...the rest of the ...  
...the ... Court, to ...  
...and ...

The ...

Done out of ...

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Printed for ...  
... 1800.

**THE**  
**Sighs of France**  
**IN**  
**SLAVERY, &c.**

**V. Memorial.**

**W**E have begun to unfold the means by which the Tyranny of the French Court is Upheld and Maintained; and we have already found out Three; the First is the slavish Theology and Jurisprudence concerning the Rights of Kings. The Second relates to the Goods and Wealth of the Church, which make the fourth or third part of the Goods of the Kingdom, of whose Distribution the Court has rendered it self Mistress. The Third is the having laid Imposts on *Parish* and the having Established the Reign of People of Business.

The Fourth Means made use of to keep the People in Slavery, is the mining and squeezing them. Nothing takes away Courage so much as Lowness and Poverty. All Tyrants have found, that they could not Reign Tyrannically over a rich People. Wherefore they have ever endeavoured to make themselves Masters of all the Riches of the States they meant to Oppress. By this course have the *Arabs*, *Turks* and *Tartars*,

tars, established their sway, from the Streights of *Gibraltar*, as far as the Frontiers of *Siam* and *China*. They have Seized the whole Substance of the People they have Conquered, and have made all their Subjects poor Slaves. The Ministers of the *French* Court, have not yet dared to imitate entirely that Example, though they have had it in consideration; as We have hereofore proved. But they have tick'd and drawn out all the Blood of their People by horrible Impôts, and have reduced the Nobles and the People to such a Poverty, that if any Commotion were in the Kingdom, yet would the People be at a loss what course to take; for there are neither Fortresses, nor Arms, nor Artillery, nor Arsenals, nor Ammunitions of which they can be Masters, because there is no Money out of the King's Coffers. Cardinal *de Richelieu* began; Cardinal *Mazarine* pursued the same Steps. He who was wont to say, that *France* was a good Ass, that the more it was burthened, the better it went. In fine, the present Ministry has throughly executed this Means of Tyranny. A People half ruined is justly in a state of Revolting. They have mischief enough for as to be sensible of it, and to desire a Change. They have also still Substance enough to break forth into Insurrection, and be troublesome to Tyrants. This is exactly the state the Realm was in after the Death of *Lewis the 13th*, a Titular King without Power, and Cardinal *Richelieu*, a Despotick King without a Title. During the Kings Minority *France* was half ruined by the Exactions Cardinal *Richelieu* had Exercised. But it was not so ruined as to have lost all its Strength. It would needs make use of it in recovering its Liberty. Thence arose the Commotions of *France*, and the Wars of *Paris*. The Realm was given up to the furious Avarice of *Emery* Superintendent of the *Finances*, and of all the Partizans that commanded under him. The Ministry then imagined that the Cardinal *de Richelieu* who had Reigned Despotically, had sufficiently settled the Tyranny, and that thereforeward they might act as they pleased. Experience undeceived them. *Paris* cast off the Yoke. It was followed by the Provinces of *Normandy*, *Guenne*, *Burgundy*, *Langue-dock*, and several others. The Parliament of *Paris* taking up the name of *Parent* of the People, undertook to Protect them, and



and reform Abuses. And the Monarchy, saw it self upon the point of being restored to its ancient Liberty, and of returning to its ancient Government. But the Ambition of the Great Men, and private Interests, which made some fall in with one side, and others with the other, caused all these fair hopes to vanish. The Parliament was then to take up the Reins of the State, assemble the States of the Kingdom; abolish Tyranny, and drive away Tyrants, render it self Master of the King's Person, and cause him to be brought up in the Maxims of a true Prince. If this had been done as it ought to have been, France would now be the happiest Kingdom in the World. The Court still at this day trembles at the Peril it then ran of seeing the Despotick Power wrested out of its Hands. It has seen whence the Danger came: It has run to the Fountain-head to prevent it. It has conceived, that the ruining and pulling down People but by halves; is the losing of all; that the leaving them part of their Forces, is the giving them the means to revenge themselves for the Outrages that have been done them, by wresting from it the other part. Wherefore the King has construed it a necessity to tread under Foot those that had thoughts of getting the Arbitrary Power out of His hands. The Princes of the Blood had appeared at the head of the Party. They have been removed from the Government and Councils; nay, and they have been kept at such a distance from the Court, as rather resembles a Banishment than a Retreat. The Parliaments had appeared in this Affair as the first Movers; care has been taken to unble them down, and throw them into the Dirt. The City of Paris had made a great noise; Besides a thousand means made use of to impoverish it; the King caused it to understand, that He was irreconcilable, and that He never Pardon'd. Wherefore He has renounced any Residence in that City, and has built him a Court at Versailles. When He goes abroad thence, it is to some other of His Houses. He is every where, save in His Royal City, to which His Presence the King has ever brought great Riches and Conveniences. In short, because the People had followed the Movement which the Parliament, the City of Paris, and the Princes of the Blood had given them, they have been humbled,

*The Sighs of France in Slavery.*

Humbled, Ruined, and Impoverished, and brought to the lowest Degree. Cardinal *Mazarine* had understood whence the Mischief came; as he was the chief Instrument of the Tyranny, He had also been the principal Object of the resentment and fury of the People. He had escaped them by a perfect Miracle. For the revenging himself, he left *Memoirs*, that have been exactly followed. And thus by following his Politicks the Kingdom has been brought under the Yoke it groans under at present, and the People utterly cast down. The truth is, that this *Maxim* seems to be justified by Experience; it has hitherto very well sped the Ministers. But a good King ought to be ashamed of Buoying up His Authority by such shameful Means. It is a strange thing that the French Kings since good *Louis* the XII. have renounced the Glorious Title of *Father of the People*; and that they have rather chosen to Reign by Fear than Love. The true Glory of a Prince, is to Reign over a People that overwhelms him with Blessings, through their living peaceably each under his own Vine, amid abundance and Peace. This course of Violence which succeeds for a time, may fail at the long run, and will doubtless fail. The truth is, that naturally Commotions are more difficult, amid a People utterly Ruined. But under the *Roman* sway the Slaves Wars has been seen, and the abuse which Masters made of their Power, has sometimes made those Wretches contrive the means of Assembling together, and bringing on foot Armies formidable to the Republick. It is impossible but that the same thing must come to pass in France. People that have nothing more to lose, venture all, seeing they have nothing more to venture than a Life that is become burthenom to them, by the insupportable Burdens where-with it is Loaded: There is an end to all. The French suffer, but it is most certain that they are weary of Suffering, and that their Patience is spent.

The Fifth Means made use of to preserve the Prince's Arbitrary Power, and keeping the Subjects the spirit of Blind Submission and Obedience, is the Courts making themselves master of the Wealth of particular Persons, which it either would not, or could not take away from them. This is the scope and product of those prodigious Loans which the Court makes upon

# V. Memorial.

upon the Town-Houses. The King in one single year borrowed above Thirty Millions of His Subjects, the Rents of those Funds are assigned upon the Town-Houses; those Rents are well paid. Nothing is more Commodious to Persons that are at a great Expence; nay, and to those whose condition will only suffer them to live in a narrow compass, and who by consequence have need of being more regularly paid. Nevertheless, it is a prodigious blindness in the *French Men* to fall into these Traps, for the Reasons that have been heretofore deduced. But it is excellent Policy in the Court to lay them, and ensnare the People therein. Without computing that the Court after the rate it Governs, is Mistress of the Funds and Rents, and retrenches them when it pleases. Supposing then that in sober earnest, there was a design to pay regularly and constantly those Rents, it would nevertheless Establish Slavery, and settle Tyranny. First those Loans cost the King nothing, He receives thirty or forty Millions in a year; His Fund and His Revenue is not thereby one Farthing lessened. The Imposts are proportionably augmented: This is laid upon the Common Offices of the State, which the State must supply to. Thus is gotten from Individuals what is owing to them, so to pay them with their own Money. By this means those Loans the King sets on foot, are new Means to Impoverish the People. Moreover, it is a Curb which the Prince keeps in His Hands, by which He leads the People where He pleases. He need only threaten them with settling the *Contairs*, and effectually do it. Thus all People lye a gasping, coming to submit on both Knees, and kiss the Earth, engage themselves a new to suffer all, and do all according to the Sovereign's Will.

In general, it is perchance the best means a State can employ to maintain it self, and to avoid Revolutions, which may happen by inward Commotions, nay, and those which may happen by the Invasions of Foreigners. People that have their whole Substance in the hands of a State, are interest'd as much as can be to preserve it as it is. The Republick of *Venice* by its Bank, the City of *Amsterdam* by its, the Republick of *Holland* by its Obligations upon the *Contairs* of the State, and by its Actions upon the East and West *Indies* Companies, hold

hold all the Wealth of their Subjects, and by that means are Masters of their Persons. Perhaps *Holland* never thought of this, when it made its Loans. It has opened its Contoirs to establish the Rents according to the Occasions it had during one War. But it ought therein to note a singular Providence, which was willing thereby to lay the surest Foundation of its Substinance. The State being Master of the whole Wealth of the Country, has nothing to fear on the part of Individuals. For they could not ruine the State without ruining themselves. And accordingly this, it is that has made them bear with so much Patience those Imposts which every where else would seem both excessive and insupportable. The State is to pay perhaps seven or eight Millions of Livres of Rents, if it has not wherewithal given it to pay them, it would become Bankrupt. What would be the upshot of that? Why that all those Individuals that should think to spare two or three hundred Livres in Imposts, would lose three or four thousand Livres in Rents which the State pays them. The Actions of the East and West India Companies are of no other Nature; they depend entirely on the good and ill State of the Republick; wherefore the Value of them is so floating, according to the good or ill Posture of Affairs. In fine, it is that obliges those Republicans to make such great Efforts, and to expend so largely for their Defence against the Invasions of Foreigners. If the Countrey falls under a foreign Sway, all the Substinance of individual People is lost; a new Master will not enter into the Engagements of a preceding Government. He will not know nor understand any other Estates of Individual Persons than their Fields and their Houses. He will think People are mightily indebted to him if he does not meddle with their Funds; and as for Rents established upon the Countries, he'll never take any notice of them. Thus the true Interest of the Common-wealth of *Holland* is to deliver all it has to Strangers, but never to reimburse its own Subjects, for by reimbursing them it would ruine them, and deprive them of the Means of paying the Imposts which support the State; and it would lose the Cab with which it bridges them into Obedience and Submission.

Wherefore

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Wherefore this Course is lawful in Free States, and in Countreys where the People are govern'd by themselves. It is a Band which unites them to the Body of the State. But it is pernicious in Countreys of Monarchical Government; for it is impossible but that a Monarchy must immediately degenerate into a Tyranny, when the Monarch holds in his Hand all the Substance of Individual Persons; and it is certainly one of the things which do most shelter the Despotique Power of the French Court, for there is not a Person concern'd in the Rents which the King pays, but may imagine, *If we make Stirrs about reforming of the State, the Government will change; and if the Government changes, the new Government will not think it self obliged to pay the Rents that were created through the Disorder of the preceding Government.* But this is a Difficulty which may be easily answered, and we will hereafter shew that it would be very easie to reduce the Monarchs to its ancient Laws without any Loss being occasion'd to private Persons.

The sixth Prop of Tyranny and Despotique Power, is the furnishing Maintenance to all the Grandees and Men of Importance in the Kingdom, depending on the Court; there is no State nor Kingdom in *Europe*, where things go in this Respect as they go in *Spain*. Univerally the great Men of the Kingdom live on their own Estates and Revenues, and not attend upon the Pensions and Bounties of the Court: It's well known how the Grandees live independant of the Court; this Independency might reach to Excess; for this might induce them to neglect the Affairs of the Crown, and the Glory of the State. And indeed the Change is believ'd to have thence proceeded, that is thought to be observ'd in that great and powerful State, which comprehends so many Kingdoms, and so many Provinces, which possesses as much Land in *Europe*, and in the new World, as is requisite to make one of the most powerful Empires that has been seen. If *Spain* does not do what it formerly has done, this possibly proceeds from that the Grandees of *Spain* do not concern themselves so much as they ought with Foreign Affairs, and rest contented with living Rich at Home, and powerful and independant, without much interressing themselves about the Glory and Grandeur of the



State, atleast of this they are accus'd. And this Reflection, to remark it by the By, ought to make us comprehend, that *France* should not much rely upon the pretended Weakness of *Spain*, for when it pleases it may become as formidable as it was formerly. Two or three Provinces which *France* has wrested from it, have not lessen'd its Forces, and are but a small matter in comparison of the prodigious Domains it has left. The *Grandeess* need only to rowze themselves up, and the Government would immediately turn upon another Foot. The same Observation may be made upon *England*; which is, that the chief Lords and Gentlemen are not for their Maintenance in any Dependency on the Court, they have great Estates, live at Home like Petty Sovereigns; the Court not holding them by that Tye, they are not its Slaves, and are ever in a Posture to oppose themselves against its Usurpations, without fearing the Loss of Pensions. It is quite another thing in *France*, the King has found the Means to render all miserable, that so none may live without him; and by consequence that they may be ever in Slavery. *England* for Extent is not comparable to *France*, yet you will there find perhaps, double or treble the Number of great Lords, capable of supporting their Dignity of themselves, than in *France*. Whence can this proceed? This proceeds from the Policy of the *French* Kings, who ruine all the chief Nobless, by the prodigious Expences they are obliged to be at, as well to appear at Court, as for War; Then when the Families are ruined, the King stretches forth his Hand to hinder them from falling; they have Pensions given them, Offices of Trust and Governments bestowed upon them, which they live upon; but they live in the Dependency of the Court, they are its Slaves, and by consequence they are engaged to maintain the Tyranny and Arbitrary Power; For if that Power was pull'd down, if the Power of exacting prodigious Sums of the State was bounded, Pensions would necessarily fall. If the principal Nobility of *France* understood its true Interests, and would live in the Provinces, the *Grandeess* would then render themselves considerable by a handsome Expence, and by the Services they should render, and the Protection they should offer to the People and Gentlemen; by these means they would be there  
like

like petty Kings, they might go to Court as often as their Devoir should engage them so to do, for the paying their Homages to the King. But they would not amule themselves with encreasing the Court of a Prince that oppresses them, and would not ruine themselves to do him Honour, and build up Tyranny. By this means preserving their Estates and their Credit in the Provinces, they would ever be in a Condition to oppose themselves efficaciously against the Enterprizes of the Despotique and boundless Power. Thus did the Nobles of *France* live formerly, and before the Reign of the *Valois*, the *Grandeess* did not come to Court, but when they were called thither, and that there was occasion for them.

We may reckon for a seventh Means of preserving the Tyranny, the Courts having made her self Mistress of all Employes and Places of Trust, and her having permitted the Introduction of Abuses into these she had in a manner dispossessed her self of. First, the Abuses that are suffered in the Possession and Alienation of Offices of Justice, is a great prop to Tyranny. For Example, the selling and Venality of Offices of Justice in the Tribunals, is one of the greatest Corruptions that can be introduced into a State. This fills the Benches with dishonest, unfitting, ignorant Men, void of Knowledge, Conscience, Honour or Faith; there is nothing more rare than a Man that has all the Qualities necessary to make a good Judge: And these Qualities do not always happen in the Richest, and in him who has most Means to spend, and buy dearly the Right of Sitting upon Flower-de-Luces. Wherefore a Man without Merit and Vertue must fill the Places that are only due to Merit, because he has Money. This is properly selling Justice to the highest Bidder; and we may be assured, that he who buys very dear the Right of distributing it, will not give it very cheap. The Sovereign Courts are not exempt from these Corruptions. On the contrary, they are more subject to them, than the inferior Tribunals. The Places there are more honorable, much higher Rates are paid for them: Thus this is design'd for the upstart rich Men, who with Blood newly issuing from the Mud, have also a futable Temper, Spirit and Inclinations. The Parents have heaped up Wealth in Employes very often a little dishonest; the Family must be rais'd and

furberish'd, and the Infamy wip'd out by acquiring Places of Honour. Thus a Parliament is fill'd with young People, of ten void of Sense and Wit, loving only Pleasure, Gaming, Debauchery, and Idleness, who have only taken Licences and Degrees for Form's Sake, and paying dearly for them, These are the People on whom depend the Lives, Estates, and Fortune of a whole Kingdom. In inferior Tribunals, the Richest of the City, who is often the most dishonest Man there, makes himself the Chief Magistrate of the Place, by purchasing the chiefest Charge; the other Dignities of the Bar, that are subordinate, are likewise sold; and those Sparks that purchase these Employes, omit no manner of Means to reimburse themselves. They spin out the Processes, they multiply the Formalities, they cause huge Sums to be adjudged to themselves for Vacations, for Descents upon Places, and a hundred other things. Judge now whether such People placed upon the Tribunal, are very fit to correct the Disorders of the Bar. Judges that are Rogues themselves, are they very fit to punish the Solicitors and Attorneys for their Rogueries? On the contrary, they share with them, and support them; hence comes it, that of all the Countreys in the World, *France* is that where Justice is worst administr'd. This may be asserted, both without Exaggeration, and without Exception. One half of what one pretends to and demands, must often be spent to have the other. A world of Families are ruin'd by the Injustice of the Judges, by the Knavery of People of the Bars, and by the Iniquity of the Judges, who deny Justice, and cause Sures at Law to last several Lives of Men, provided the unjust Usurper of an Estate has money to pay Men shrewd and dexterous in Law Quirks, he is certain to be free for the rest of his Days: After him his Heirs will be-think themselves of the same Course. If there comes a Tryal, the Caballing, Intriguing Friends, Solicitation of the Great, and particularly that of Women of Beauty and Gallantry decide all, because that they who judge are venal, sordid, corruptible Souls, and possessed by impure Passions. The Court plainly sees all these Disorders, nay, and feigns it would remedy them. Not a Reign is there, but new Godes are made. But all this ever vanishes into Smoak, and the Court has never any serious Design to put an end to Crimes that

that are useful to the Conservation of Tyranny. For who but perceives, that by these Disorders and Abuses of Justice, here is again a vast number of People engaged to maintain an Authority which tolerates their Disorders? Is it not well known that if Kings were not Sovereigns as they are, and if they had not cast off the lawful Yoak of the States of the Kingdom, the Great and Wise Men being assembled, as they were assembled formerly, would put a stop to the Course of so many Mischiefs, abolish the Venality of Places, severely punish the Prevarications of Judges, and would not leave any room for the Exercise of the Robberies and Knaveries of Men of the Bar? Thus does Impunity in this important Article, fasten likewise an infinite number of People to the Interests of the Court, for the maintaining it in its cruel Usurpations. For how many Judges, Courts, Attorneys, and Advocates are there? It is not to be thought strange that People dare not groan, having so many Tyrants over their Heads, that hold one another by the Hand, and uphold one another.

The Mischief is no less as to the Places, which the full and absolute Disposal of the Court has reserv'd to its self. It is easy to guess that it only puts into those Employments Slaves and Souls that are blindly wedded to it. Thus, either that the Court confers Offices, or that it sells them, or that it suffers them to be sold, it is much about the same thing, and it knows how to make use of all with Advantage in the Possession of the Arbitrary and boundless Power.

But as if all this was not sufficient, the Court has for some time past dispos'd in the Provinces and in all the Generalities, certain People, on whom it confers the Name of *Intendants*. These People are Plenipotentiaries, they are Men invested with the Power of Pulling all down, and of laying all upon the Dust throughout the whole Kingdom. They stile themselves *Intendants of Justice, and Policy, and Finance*; and this is defining them perfectly aright. For indeed they embrace and collect in their Persons, all Affairs, and all Jurisdictions: they are seen to hold Sessions in their own Houses for the judging the Peoples Processes; receiving the Complaints and Grievances of the first Comer, and particularly of mean People and Peasants; and by this means they humble and debase the Nobility

ty and Gentry. The Truth is, they have curb'd the Excesses committed by ill Nobly. In this they are not to blame, but under the Pretext of remedying some Disorders, and hindring Oppression, there is no sort of Vexation but what they have done, and do to the Nobles. The Chief Gentlemen of the Province must creep before them, the Intendants send a Foot-man to fetch them. When *Monsieur* the Intendant goes to a Place, all is in Motion, the Lord of the Parish ruins himself to make him magnificent Receptions. And with all the Cringing, and base sordid Fawnings that can be used, a Gentleman does not escape the Misfortune of being ill used, as the most wretched of all Men, if he fails in the least of what is call'd his Duty. They ruine his Farmers by excessive Imposts: His Lands are made to lye uncultivated; Privy Seals are sent for to seize him, to banish him, or clap him up in Prison; or to say rather, they manifest one of these Privy Seals, which the Intendants are ever well provided withal, and are as Blanks signed. These People are likewise appointed to pull down all the Judges, and all the Magistrates of Cities; for they not only cite before them the Processess of the People, but they interdict, and cause to be interdicted the Judges which do not blindly follow their Wills. When there are important Affairs to be tryed, the Intendant of his own Authority, and by that of the King, chooses Presidials of the Generality, such Members as he thinks fitting. He composes a new Council of them, and there are Matters judg'd and try'd according to the secret Orders they have from Court. If the Judgments and Sentences pass in the ordinary Tribunals do not please them, they null them, or at least suspend their Effect; they open the Prisons, they rescue when they please, Criminals out of the Hands of Justice. In a Word, they have reunited in their single Persons, all the Authority of the Tribunals. In fine, they are absolute Masters of the Finances and Revenues; they have swallowed up all the Authority of the Treasurers of *France*, that are now no more than Names. They have, as it were, abolished all the Jurisdiction of the Elected, and of Elections, they lay Impositions, they Sign and Authorize the Rolls; they Tax when they please, they Try and Judge Processess and Difficulties which arise



rise upon the raising of Imposts ; all is of their Ressort. This Establishment of Intendants has fine outward appearances : It is, says the Court, to hinder the Prevarication of Judges, who suffer themselves to be corrupted, and to have an Eye upon their Conduct : It is to remedy the Negligence of the Mayors, Sheriffs, and other Civil Judges, who neglect the Affairs of the Corporations : It is to hinder the Oppression of the Weak, and repress the Violence of the Powerful. It is, lastly, to repress those petty Judges of Elections, who formerly acted the Sovereigns in their District, who affranchiz'd their Lands, and their Farmers, and those of their Friends, and burdened whom they Pleas'd. And all this Pretext ; for there were other efficacious means to remedy all these pretended, or real Disorders. But it is clear that those Intendants have been established, and sent to bring down all the Powers and Jurisdictions under that of the King. Upon the Frontiers they make the Governours of the Places mad, they contradict and thwart them, they take away their Power, and erect themselves into Inspectors, or rather into Masters over them. And as we have seen, they have Commission to oppress in the Provinces all that does raise it self a little, and all that should be capable to conceive thoughts of Liberty, the Court does not yet hold it self sufficiently secured by the means we have before deduc'd, of the Kings Governours and Lieutenants of Provinces, of the Judges, and of all those that have any Authority. It has thought necessary to send into each Generality, a Man nourish'd and brought up at the Feet of the Court, fill'd with its Maxims, cover'd with its Bounties, and paid on purpose to exercise immediately the Arbitrary Power over all the Orders of the Kingdom. This Intendant has Guards like a General of an Army, he never stirs without them ; they are the Executioners of his Wills, they are the Instruments of all his Violences. And besides this, he needs only to write to Court, and he has Troops and Regiments sent him, that are garrison'd in the Cities, Parishes, and Gentlemens Houses, for the ruining of all those from whom some Sighs have escap'd through the Heaviness of their Slavery, and through some Remains of the Remembrance of the ancient Liberty. This I call the eighth Means of maintaining the Tyranny, and the Despotique Power ; and doubtless

less this is one of the most efficacious and best conceived Means of maintaining the Arbitrary Power.

The ninth Means of maintaining the Arbitrary Power and the Tyranny, is the Ministry and the Manner of the Kings composing the Council which governs the State; the Princes of the Blood, and the Grandees of the Kingdom are born Councillors of the King and Crown. It is for them to lend their Succors to the Sovereigns, and they have Right to give their Advices, and make their Remonstrances upon the Disorders that slip into the Government; thus it is of them, the Councils ought to be composed, and who ought to possess the first Places of the Ministry; But the Court is far from doing so, the great Lords and Princes, who understand themselves, would willingly be heard, they do not take it well their Advices are slighted, they interest themselves in the Distempers of the State, they take in Hand the Cause of the People, which the Court oppresses; and sometimes when they are pressed too hard, they place themselves at their Head. This is what the Court fears, and this is what the Court is not for. Wherefore it only admits to the Government People proper to make Slaves, Men even below ordinary Extraction, such is a *Monsieur de Louvoy*, the Grand-Son of a Burgher of *Paris* in his time possessing a Place of Judicature in the *Châtelet*, such was a *Monsieur Colbert*, the Son of a Merchant of *Rheims*; these vile Heads are rais'd above all those of the Kingdom; they reign, while the Princes of the Blood plant Cabbages in their Country Houses; these unworthy Ministers are overwhelmed with Bounties, they are rendered rich and puissant beyond all that can be imagined. And indeed they take an Air of Authority that treads under foot all that passes before them. A *Monsieur de Lowvoy*, a *Seigneur* treat all those, over whom their Authority reaches, with an unparallell'd Brutality, and an Arrogance which one would have much ado to suffer in the Sovereign himself. It is easie to comprehend how such People are concern'd to maintain a Tyranny and Despotique Power, whereof they are the Works, Instruments and Masters. And indeed they perform with great exactness, all that is demanded of them; and there is no sort of Crime, Oppression, Violence, Burnings, Massacres, Executions or Furies, but which they are capable of exercising upon

on the Subjects and Neighbours, for what they call *the Kings Service and Grandeur*. If things went as formerly, and as they ought to go, the States of the Kingdom would do good Justice upon these Tyrants, and upon the bare List of their immense Estates, and prodigious Revenues, they would be treated, without other Information, as Robbers of the Publick Good, culpable of the most enormous Deculacy, and diverting the Publick Revenue to private Uses, that ever was. This Policy of the *French Court*, of only admitting to the Government supple Tempers, and capable of doing all for the Establishing of the Tyranny, proceeds so far, that it excludes from the Knowledge and Administration of all Affairs, even to the Dauphin himself, Heir of the Crown, and him who has more Interest than any body, that Affairs should be well administr'd. The Court chooses rather to listen to Ministers Violent, even to Fury, that fall in with all the Princes feeble and weak sides, than take the Councils of a Son, who doubtless would have in abhorrence the Conduct that is held at Home and Abroad, and would endeavour to put the King again into Courses of Mildness, Lenity, Good Faith, Justice and Wisdom. Besides their injustice of thus using the *Dauphin*, who never let appear the least Inclination to revolt, there is also Imprudence. Thus are lazy and spiritless Kings made, when a Prince born for the Administration of Affairs, has been brought up till thirty or thirty five years of Age in doing nothing else than Hunting the Wolf; who knows, if after this, he can resolve upon charging himself with the heaviest Yoak in the World, which is the Government of a great State? And indeed this is the View and Intention of that ambitious Minister, who possesses and governs the Kings Mind. He entertains and fosters him in that Spirit of Jealousie against the *Dauphin*, and keeps that Prince out of the Privy Council, so to use him to do nothing; that so a Change coming by the Death of *Lewis* the XIV. *Lewis* the XV. may repose all upon him, and suffer him to reign under his Name. But it is hoped he will be mistaken in his Views and Prospects, and that God will not defer the breaking of a Head so laden with enormous Crimes. Thus this is the ninth Means made use of by the Court to maintain the Tyranny; namely the distancing from the Government all the great Heads that have an Interest in the Conservation of the People, and of

only admitting to it such Wretches as make their only Interest of the personal Grandeur of a Prince ambitious and arrogant to excess.

But it must be owned that all these Means of maintaining the Tyranny would be still too weak without a Tenth; that is Force, Violence, Punishments, Executions, Armies that are kept on foot in time of Peace, more numerous than Kings formerly had in time of War. It appears by the Commotions that have hapned during this Reign in *Brittany*, *Bordeaux*, *Languedock*, and other Places, that the People have not altogether lost the Love and Desire of Liberty. But what avails all this? Poor People that sigh, and would fain stir a little to lessen the Weight of their Yoak, see immediately a powerful Army on their Back. The Court Racks, Hangs, Exiles, Confines, Banishes, Robs Cities of their Priviledges, Interdicts, Suspends, Transfers Parliaments. And who can stir, being overwhelmed with those terrible Armies that cover *France*? Already the Court maintains between forty and fifty thousand Men, under the Name of *Arabers de la Gabelle*, or the Excise Guard, who are as many Souldiers, devoted to exercise all manner of Violence by the Princes Orders. And besides this, regular Troops are spread every where. An Intendant needs only to give a Signal, and the Court sends him Infantry, Cavalry, Dragoons, as many as would be requisite to subdue an Enemies Countrey. This is the liveliest Character of a Tyrant that can be found, good Kings have no need of Armies to make themselves obey'd, the Amity of their Subjects serves them for a Rampart, and obtains Obedience. Nor had formerly our Kings any other Guard than the Officers of their Household. Those regular Troops, and always on foot, are of a new Invention. We shall one day see when this pernicious Custom began, which has been the most powerful means the *French* Kings have made use of to render themselves boundless Sovereigns. When Kings had Wars, Troops were raised, Peace being made, they were all dismissed, without any being excepted. There was no need of Troops for the guarding of Frontier Places: for as on no side there were any Souldiers on foot, nothing could be fear'd on any side. But even since the Custom has been taken up of keeping Forces on foot in the midst of Peace, only as many have been reserved as were

were requisite to secure the Frontier Cities against Surprise. *Lewis* the XIV. is the first that bethought himself of having ever an hundred and fifty thousand Men on foot, of making Encampments in the midst of Peace, of vexing his Subjects by the continual Quartering and Passages of his Soldiery. It is under the Shelter of these Troops that he has stretched the Despotique Power farther than ever was done by the *Turkish* Emperors.

These are the General Means; besides these, there are those that are particular to the King, and which have helped him very much to establish his Arbitrary Sway. For Example, a great Air of Capacity, Manners of Authority, and which make People tremble, and lastly, a mighty Appearance of Piety and Religion: It is well known here how these sorts of things impose upon the People; perhaps some one or other will one day pull off the Masque, and shew that all these great Qualities of the King are reduc'd to a Sovereign Self-Love, to an unequalled Arrogance, to an extream Fondness for a mighty Reputation, to a Conscience terrified with the vastness of its Sins, Fornications, Adulteries and Violences, and which endeavours to appease God by keeping up the outward Appearances of Religion, and stretching a false zeal to the utmost. The King would seem to do all, and if one would believe him, he does not suffer himself to be governed. And never was there in the World a Prince more a Slave to his Ministers. The difference of him and of other Kings led by the Nose by their Ministers, is, that others suffer themselves to be led away by one alone; and formerly the King trusted in several: The truth is, that he is now fallen into the Hands of one single Man. When this Prince shall be thoroughly known, he will be found rather to merit the Name of Happy than of Great. But it is good to remember what *Solon* said, *That no body is to be called happy before his Death*: There are now in Europe two happy Stars, which very much threaten that of *Lewis* the XIV. Time will inform us what will be the Issue.

*The End of the Fifth Memorial.*



# THE Sighs of France

## IN SLAVERY, &c.

### VI. Memorial.

*That the French Monarchy was not founded upon the Foot of Arbitrary Power. First, General Proof, the Crown was Elective. Vanity of the Salique Law.*

**I** Imagine I have performed the half of what I promised upon my beginning this Work. I promised first to shew how far the Oppression and Tyranny which the *French* Court exercises over the People of its Dependency does extend, and how far it stretches the Use of the Arbitrary Power. I engaged my self in the second Place, to expose to the Sight of the Publick, all means it makes use of to support, exercise and defend that sovereign and boundless Power. I have done these two things, and I pretend to have done them without having put any thing upon the stretch, and with so exact a Truth, that I defie all the Slaves of the Court, and all the Ministers of its Violences, to shew me one single Article, whence I can with Justice be accus'd of having asserted any thing false. This being so, it is clear that we have demonstrated that the *French* Nation is now the most a Slave of any in *Europe*; that its Fetters are insupportable, and that it cannot be bound to suffer any longer so enormous a Tyranny.

But hereupon the Defenders of Tyranny, who live and fatten upon it, tell us: Well, though one part of what you say be true, what

what is there to be done? The Monarchy is thus Founded. It's well known, that the Authority of Kings is not every where equal: Custom and Laws rule this. From time Immemorial the *French Kings* are Masters in their own Dominions. The Monarchy was built upon the Foundation of an Absolute and boundless Power. Would you Subvert the work of so many Ages, and let the State upon a foot it never yet stood on? This is going about to ruine the State as well as the King: it is setting fire to the very Bowels. Since things have ever been thus, they must so continue. These are the most specious Retorts made by those Gentlemen. But We must examine, whether what they alledge be true; and it is just whither our design leads us, for we have engaged our selves for the Third Article, to make appear the true form of the Government on which our Monarchy was Founded, for the discovering how, and at what time these Usurpations have been made, and how at length in our days they have been stretched to the Sovereign degree of Tyranny. Not that I oblige my self to say upon this Topick, all that may be said, or all that may be taken out of the History of our Kings, or our Antiquities; for of this single Chapter a great Book would be made, the sight of which alone would disgust most Readers. Whereas, that my design is to compile a Work that may invite Readers as much by its brevity, as by the Importance of the matter. Wherefore I shall only urge upon so large a Subject, what shall be of Absolute necessity; but I shall say sufficient to convince the most Obstinate, that what is asserted with so much temerity is altogether false, namely, that our Kings have at all times been in Possession of that Arbitrary, Absolute, and boundless Power.

The first Means that I mean to employ to prove the falsity of this Assertion, is, that the Crown was not Successive, but Elective; at least during the two first Races, and pretty far in the third. If this be so, it is plainly evident, that the Power of our Kings could not be of a boundless Sovereignty: For never did Nation make it self a Master by Election for the having of a Tyrant, and for the abandoning to Him their Estates, their Fortunes, and their Lives. There will no Elective Crowns be found but whose Princes are Curbed by the Laws. The King of Poland, who is Elective, is rather a Head

of the Republick than a Sovereign. The Emperor who obtains the Dignity by Election, Reigns over free Princes and States, and who are very near Independant of Him. He is so far from having an Arbitrary and Unlimited Power over the Empire, that His Power in most Affairs is only a Phantom of Authority, that has no other Life than what is afforded by Arms and Force. And for this reason it is, that the States of the Empire are so much afraid of the Augmentation of the Ruling House. The Kings of Sweden and Denmark have only rendred themselves Masters since they found the Means to make the Crown Successive, from Elective, as it was before. Every Nation that makes it self a King, retains to it self a right of unmaking Him, when He exceeds the Bounds of His Duty, and when He ruins the State instead of preserving it: And this very thing shews, that Elective Princes are not, nor cannot be Sovereigns of an Arbitrary Power: For They could never be Deposed after having made them, if upon Electing them a boundless Power had been conferred upon them. The Germans Deposed the Emperor *Wenceslaus*, *Sigismund's* Predecessor. The History of *Poland* and that of *Sweden*, is full of these Examples of the Deposition of Kings. Our Kings were of the same Condition, they were Elected and Deposed when they did not their Duty. Now, this here is an important point of History, very worthy of the Curiosity of good People, and little known by them who are only meanly acquainted with the History of *France*: Because that in the First and Second Race, as well as in the Third, they almost ever see the Throne Royal pass from Father to Son, they are perswaded that is by the Right of Succession. Such of us *Frenchmen* have studied the History of their Country, are not of this Opinion. It is from them we learn what I am going to urge, for we know nothing by Revelation, and shall assert nothing upon Conjecture: They shall be all certain, indubitable, and at the same time Decisive matters of Fact. For if it be certain, that during Seven or Eight Hundred years, the People have Elected and Deposed the Kings of *France*, it will remain evident, that the Crown is become Successive by a pure Usurpation. Since there is no passage seen in our History, where the Nation has consented to this Change. From this very thing it will appear, that the Arbitrary Power of the French Kings,

Kings, is not of the same Age with the Monarchy and that thus without violating the Fundamental Laws, one may and ought to confine the Royal Authority within its just Bounds, by retrenching its Excesses.

For the proving that the *French* Monarchy was Founded with the Right of the People to Elect its Kings, it is not necessary to recount as far as the first Original of the *French*. All they who have the least studied History, know what is said upon the matter, rather than what really is; For this Origine is very Obscure, and very perplexed, through the diversity of Opinions of the Authors. There are only three or four things certain. The First, that the *Franks* are Originally of *Germany*, now called *Allemagne* in *French*; and that they came from beyond the *Rhine*. The Second, that they had given their name to all that vast Country, which is from the *Western Ocean* as far as *Hungary*, and even into *Poland*, as all the World owns, and as is asserted by \* *Naucerus* \* *Naucerus*. *Charlemagne*, says He, called Him- Gener. 27.  
self King of the *Franks*. Which was as much as if He had been called King of *Gaul* and *Germany*. For it is certain in that time, all *Trisulpine* *Gaule*, and also *Germany*, from the *Pyrenean Mountains*, as far as *Pannonia*, was called *France*: That is to say, *Germanique France*, was called *Oriental France*, and the other, that is to say, *Gaulish France*, was called *Occidental France*. The Third certain thing is, that though we only reckon the Kings of the *Franks*, or of the *French* since *Pharamond*, yet there were many others before. But for our scope, it is sufficient for us to begin our Observations where our History begins. In fine, the Fourth thing certain and indubitable, is, that the Kings of the Ancient *Franks*, or of the *Frenchmen*, were made by Election. This is not a thing that can be Disputed. It would be sufficient to prove it, to observe that the *Franks* were a Barbarous People, and a kind of *Nomades*; that is to say, Vagabond People that passed from Place to Place, there to seek Abodes. Now it is certain, that these sort of People had no Successive Kings. Their Kings were only Captains they Elected to place at the Head of themselves, and they ever Chose the most Valiant; to whom they did not give an Absolute Power. On the contrary, they reserved to themselves the Right of Deposing him, when

when

when his Age or his Vices rendered him incapable of the Service to which they had appointed him. The bare name of these People is a proof of the love they had for Liberty; For all People acknowledge that the word *Franc* signifies in their Tongue, as it signifies still at this day in our own, a Free-man; and hence comes it that we call *Ajla's Franchizes*, and say, *Afranchizing*, to signify setting at Liberty. Thus it was not only with relation to the *Romans*, whose Yoke they would never undergo, that they took the name of *Francs*. It was with relation to the form of their Government. They have ever had Kings, but without prejudice to their Liberty. For to obey a King is not Servitude, when the People reserve to themselves the Right of turning him off when he becomes Vicious, a Robber and an Executioner. That *Pharamond* who is reckoned for the Founder of the *French* Monarchy, Established it upon these two Laws; the First, that the People should be Master of the Election of its Kings. The Second, That the Authority of the Kings should be bounded according to the Peoples Wills. This I say is certain and indubitable. All Ancient Authors are Witnesses of it.

\* *Aimonius lib.*

1. Chap. 4.

\* *Aimonius* says, *That the Franks, in imitation of other Nations, chose to themselves a King, and set him upon the Throne.* These words (as other Nations) are worthy of being observed, for they shew, that all the Kings of the *Gauls* and of *Germany*, were made by Election. *Huni Baldus* a most Ancient Author, likewise says, *That in the Year 405, all the Dukes, Great Lords and Nobles among the Franks, Assembled at Neopagus, to make the Election of a new King; and with a Common Consent they chose for King Pharamond, who was of the Royal Race.* These last words, that *Pharamond* was of the *Royal Race*, are proper to refute the Quirks of Court Flatterers, who say that *Pharamond* was Elected, because that the *French* had then no Kings nor Royal Family. It appears on the contrary that they had Kings; that *Pharamond* was of the Family of those Kings; that if there had been a Right of Succession in the Crown of the *Franks*, it would have concerned *Pharamond* on the account of His Birth; and in fine, that notwithstanding His Nobility and Royal Extraction, He was only King by virtue of the Election the French made of Him.

Does



Does it any where appear, that *Pharamond* changed this Ancient Law of the *French*, and that he Decreed, or that the People consented that the Crown of the *Franks* should thenceforward be Successive? Why and how could those People be prevail'd with, being Idolatrous of their Liberty, to render themselves the Slaves of one single Man, and of his Posterity? But on the contrary, does it not appear throughout the whole History, that the *French* retained to themselves the Right of choosing him of the Royal Family that seem'd to them most proper to Protect and Defend them, and to Govern them well? *Gregory of Tours* tells us, \* *That the French having rejected Chilperic, unanimously chose Eudes for King.* And in another Place he says, † *That the French after having cast their Eyes upon Old Childebert, sent an Embassie to Sigebert, that he might come to them, to be established King, in the room of Chilperic, whom they Renounced.* And a little after he says, *All the Army Assembled about Sigebert, and having rais'd him according to custom, upon a Buckler, they made him King.* The same Author says likewise elsewhere, *That Sigebert consenting to the Demand of the French, was placed upon the Buckler, Proclaimed King, and took the Kingdom from his Brother Chilperic.* The same *Gregory of Tours* says, *That the Burgundians and the Austrasians having made Peace with the other Franks, they Elected Clotaire for King of the three Kingdoms.* This is confirmed by the Abbot d' *Uspurgin* in as many Words: And he adds a little after, *That the French set for themselves over King Chilperic, another Brother, who already Reigned over Austrasia.* *Aimoin* says, *That the French took a certain Man of the Clergy called Daniel, whose Hair they suffered to grow, Established him for King, and called him Chilperic.* The Historian *Adon* does not speak otherwise, when he relates after what manner the Kings of France Succeeded one another. About the Year 686, he says, *That King Clovis Died, and that the French Established for King his Son Clotaire, and a little after that, Clotaire, after having Reigned four Months, Died, and that the French Elected in his room Theodoric his Brother.* Upon the Year 669, he says, *That the French Established over themselves Theodoric the Son of Dagobert.* Nor, does *Gregory of Tours* speak otherwise? (a) *After Theodorics Death,* says he, the

\* *Lib. 2 Chap. 22.*† *Lib. 4 Ch. 51.*(a) *Appendix, lib. 11. Ch 101.*

# The Sighs of France in Slavery.

(b) Chap. 106.

(c) Chap. 107.

French Elected for King, his Son Clouis, who was yet a little one. (b) And afterwards he relates, That the French Established one certain Chilperic for their King. (c) He being Dead, they raised Theodoric upon the Seat of the Kingdom. In fine, all Authors both of that time and of following Ages, do not speak otherwise. One may read *Orthon de Frisenque*, *Godefroy de Viterbe*, *Sigebert*, *Huldrick Mutius*, and an hundred others. Would an Historian be suffered that should say at this day; after that *Henry the IV.* had been Assassinated, the French Elected *Louis the XIII.* And after the Death of *Louis the XIII* they Established His Son *Louis the XIV.* for King? It is indubitable, that they who have the Power to Chuse, have also that of Deposing. And accordingly we see that the Great Lords of France have employed this right of Deposing their Kings, when they have rendred themselves unworthy of Reigning. For the being assured of this, we need only see the 12 Chapter of the Second Book of *Gregory of Tours's History of the Franks*; Wherein he relates the Deposing of *Chilperic*, Father of the Great *Clouis*; the Election of *Gilles a Roman* Captain, and the Re-establishment of *Chilperic*. *Chilperic* says that Historian, *plung'd himself into the most shameful Debauchery, while he was King of the French; he took away their Daughters to violate them; on which account they put him from off the Throne. And he having perceived that not content with this, they meant to Kill him, he fled into Thuringe. After this, they Elected Gilles a Roman, who Reigned Eight Years.* But because that *Gilles* became Cruel and Proud, they Deposed him, and recalled *Chilperic*. The Abbot *d'Usperg* and *Sigebert*, relate the same thing, and very near in the same terms, which they have borrow'd from *Simonist*. *Gregory of Tours*. The French made use of the same Right against *Theodoric the Twelfth King*. He would needs erect himself the Master of the Lives and Estates of his Subjects; but the French arose up against him, Deposed him, shav'd him and threw him into a Convent, in order to put his Brother *Chilperic* in his stead. Lastly, the State of the Kingdom Deposed *Chilperic*, the last of the Name, and the last of the First Race, and placed *Pepin* in his stead. After this, it cannot be questioned in the least, but that the Crown of France was Elective, and non Successive, under the first Race of our Kings: And it

it is likewise clear, that they were not Absolute Masters, nor Boundless Sovereigns, since they were Deposed for their ill Deeds; there is no saying that it was by Violence, for it is manifest that they acquiesced in their Deposition, and acknowledged the Right of the People. *Chilperic* the Father of the Great *Clotvis*, remained in the Realm as a Private Person after his being Deposed, as far as he could with safety, which he would not have done, if he had look'd upon his Deposition as a Violence. He did not fly into *Thuringe* till that he perceived there was an aim against his Life. Nay, and in his retirement to *Thuringe*, he neither implored the Succours of his Protector, nor of the other Princes his Neighbours and Friends, for the being Restored: He waited patiently for the return of the *French* Peoples good will, and only left a faithful Friend in the Kingdom to manage and improve Peoples Inclinations. Wherein that Friend succeeded so well, and so well improved the Distast the *French* conceived against *Gilles* the *Roman*, that he procured his Friend *Chilperic* to be Recalled. Now, it was not out of tenderness of Conscience that *Chilperic* carried himself with so much Moderation; for he dealt very unhandfomly, and carried himself like an ill Man in his Exile. He did not mend upon the Punishment he had received; and to reward the King of *Thuringe*, who had so generously Protected him, he Debauched *Balme* his Wife, caused her to come into *France*, Married her; and of her is it that was Born the Great *Clotvis* the First Christian King. For the destroying this Right of the *French* of their having Power of Electing and Depositing their Kings, there is no opposing what is commonly seen in the First Race of our Kings, the Sons Succeed the Father. For besides that this Order suffers ever and anon interruptions in our History, it does not prove any thing at all. How many times has the Family of the *Jagollens* Reigned in *Poland*? Is it not above Two Hundred Years that the House of *Austria* Possesses the Empire from Father to Son? And must therefore the Crown of *Poland* and that of the Empire not be Elective? Thus have all People done, though Masters of their Crowns. When a Family Possesses the Royal Dignity, the People do not devalue it of it, unless there be very strong Reasons: The Son is Chosen in his Fathers stead as far as may be. The Great *Clotvis* divided the Kingdom of *France* among his four

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Children;

Children, *Theodoric* was made King of *Metz*; *Clovis* of *Orleans*, *Clotaire* of *Soisson*, and *Childebert* of *Paris*. Some look upon this as a proof that the *French Kings* were Masters of the Realm as of their own *Demesne*. But they are very much mistaken: For these Divisions were made with the consent of the States, and by the States themselves. The Great Men of the Realm Assembled every Year in the Month of *May*, as is well known by the least vers'd in our History; and in this Assembly they tried all great Affairs; they tried the King himself as we shall see in the Sequel. Herein was it that the King's Children had their share assigned them, that Kings were Established and Deposed. This we may particularly see in the History of *Gregory of Tours*, a Historian worthy of Credit upon the matter, as well because he was a *Frenchman*, as that he lived in the Ages whose History he gives us. But perhaps the Flatterers of the Court and Arbitrary Power, will intrench them, in asserting, that these Rights of the People over Kings to Choose and Depose them, had only vigour in the First Race of our Kings. This we must examine into.

At the very entrance we find *Pepin* Elected King of the *French* after *Chilperic's* being Deposed. The Authors beyond the Mountains are Ridiculous, and do not deserve the being Refuted, in that they pretend it was Pope *Zachary* who Deposed *Chilperic*, and gave the Crown to *Pepin*. Besides, that it had not yet as then mounted up into the Pope's *Pericranium*, that they were the Superiors of Kings for the Temporals, and that they could take away and give Crowns to whom ever they pleased. Besides this, I say the *French* had no need of going to *Rome* to get rid of a Tyrant, or Spiritless King, and procure another: They who since the Foundation of the Monarchy, were in Possession of making themselves Kings, and of unmaking them when they judged it convenient, as we have newly proved by so many Examples, and so many unquestionable Testimonies. But why then did *Pepin* send to *Rome*? this is pretty easie to guess: He was prudent and wise, he knew the *French* were wont to choose their Kings of the Royal Family. When they rejected the nearest Heir, it was commonly to take another of the same House. He moreover knew that the *French Nation* was very fickle and inconstant; a Character they still retain at this Day. Lastly

knew that new and upstart Governments are for a long while tottering before they are well settled: wherefore he would lay hold of all Securities. And he fancied that it was a very good one to engage the Pope in his Interests, because that from that time, the Bishops of *Rome*, though they contented themselves with the Spiritual Power, began to stickle hard about Temporal Matters. Thus you have an unquestionable Proof in the first Author of the second Race of our Kings, that the *French* had the Power of making and unmaking their Masters.

After *Pepin*, we find *Charlemagne*, the Honour and Glory of this second Race, the Founder of the *Western* Empire, who furnishes us with an incontestable Proof of the Truth of what we maintain. He left three Children, among whom he divided his vast Dominions. But how did he this? With the Consent, and by the Authority of his People. So *Reginan* relates it in the second Book of his Chronicle, in these Terms: *Charlemagne* says he, *having three Children, would needs secure their Fortune during his Lifetime: For this purpose he made a Decree by the Advice of the Great Men, and Lords of his Realm, for the sharing his Dominions among them; and having divided them into three Portions, he made a Testament, which was confirmed by Oath by the French.* This is a very express Matter: It is the Great Men of the Kingdom who make the Dividend with the King; they are the *French* who confirm it by Oath. *Eginart*, who has written *Charlemagne's* Life, says, *That this Prince called to him his Son Louis, King of Aquitaine, the only one of his Sons, he had left by Hildegard, and that having convened the principal Men of the Realm of all France, by their Advice he associated Louis to himself, and shared with him all the Royal Authority over the whole Kingdom.* Thus did the *French* choose their Kings, and they that are already made cannot associate to themselves others, save with the Consent of the whole People. But if all these Points did not say sufficient, here is a Rule of Right, against which there is no saying any thing. It is the foresaid *Charlemagne's* Testament, you may find it in *Nauclerus* and *Huldric Murius*, and there you may read this Clause in proper Terms: *If one of my three Sons comes to have a Son, whom the People are willing to choose to succeed his Father in the Inheritance of the Kingdom, We will that his Uncles consent thereunto; and permit that the Son of their Brother reign over the Portion allotted to his Father.*



ther. I know not whether any *Opiniatry* whatsoever, can hold good against this Proof. *Charlemagne* says expressly, that the Son to succeed the Father, ought to be elected and confirmed by the People.

From *Pepin* we are come to *Charlemagne*, by reason that being of great Authority, his Examples and Laws are strong Proofs; but nevertheless we ought not to neglect what was done after *Pepin's* Death, and before *Charlemagne*. As *Pepin* had

been elected by the *French*, so were his Children elected. \* *Aimoin* says expressly, *That Pepin being dead,*

*Charles and Carloman, his two Sons, were created Kings by the Consent of all the French.* The Term of *Created*, is sufficiently strong to be observed, and it is never made use of to express a bare Ceremony of *Unction* or *Inauguration*. The same *Aimoin*, in another place, says again, *After Pepin's Death, the French having made a solemn Assembly, established his two Children for their Kings, on condition they should share the whole Kingdom equally.* Wherefore it is not only the People that chooses the King, it is also they who order the Division of the Kingdom. When that *Carloman* was dead, the Deputies of the whole Kingdom reassembled, according to the same Author, *His Brother Charles was established King by the Consent of all the French.* The first Election not being sufficient, because it had been only made for one part, thus a second came to be performed for the whole Kingdom. Wherefore these are notable Proofs of the Right of the People in the Beginning and Strength of this second Rule, and here follow such as are no less considerable upon the Declension of that same Race.

*Louis le Begue*, King of *France*, died in the Year 878. and left his Wife big of a Posthumous Child, who was called *Charles the Simple*; for whose Tutor, he appointed *Eudes* the Son of *Robert*, Count d'*Angers*. Thus have we the Kingdom in the Hands of a Woman, a Child, and a Tutor; this was an ill settled Authority, and little capable of putting the State under shelter from the Insults of the *Normans*, who at that time laid *France* desolate. This obliged the States of the Kingdom to pass by *Charles* the Simple, still a Child, refuse him the Crown, and give it to *Louis* and *Carloman*, the natural Sons of *Louis le Begue*, or the *Stutterer*. These two Princes dy'd and left the Kingdom to *Louis* the Son of *Carloman*, who also lived but a little

little while: Infomuch that the Crown was again fallen to a Child. This is *Charles* the Simple, from whom the People had taken it to give it to his Bastard Brothers. *Charles* being in no better Capacity to govern than before, though he was some Years older; nay, and the *French* having perceived that he had little Sense, and a feeble and low Spirit, they laid him aside once again, and elected for King *Eude* Count *d'Angiers* his Tutor: When *Charles* the Simple had attained to twelve Years of age, *Herve* Archbishop of *Rheims*, formed a Party against King *Eudes*, whom the Clergy and Nobility had elected. He consecrated *Charles* at *Rheims*: there was a Civil War: *Eudes* dy'd shortly after; *Charles* was chosen and owned King of *France* without Concurrent. This young Prince, Senseless and Spiritless, and possessed by a Favorite called *Agnaon*, disgusted by his Conduct, the great Men of the Kingdom, who being assembled at *Soissons*, drove away *Charles*, and reduced him to such an Extremity, that he was forced to take Refuge with the Archbishop of *Rheims*, his good Friend, and live with him at the Archbishop's Costs, all his Revenues being retrenched from him, and at last died in Prison. It was not as yet imagined that the Kings of *France* could do all they thought fit with Impunity against their Subjects, nor that they had the Right of disposing of the Revenues of the Crown for the enriching of Favorites. Wherefore *Charles* the Simple's ill Conduct induced the *French* to depose him, and to make King *Robert* Count and Governour of *Paris*. He was raised to that Dignity by the Choice of the Nobility and Clergy. After his Death, they elected for King of *France* *Raoul de Bourgogne*, *Roberts* Son in Law. After *Raoul*, *Louis d'Outremer* was chosen. After *Louis d'Outremer*, his Son *Lothaire* attain'd to the Crown, but by the same way, which is that of Election, as all our Historians do agree upon the Matter. After *Lothaire*, the *French* elected the Son of *Lothaire*, *Louis* the last of the second Race; and in fine, after *Louis*, they elected *Hughes Capet*, to the Prejudice of *Charles*, Brother of *Louis*, and second Son of *Lothaire*, and by consequence lawful Heir of the Crown, if it had been Successive. First, observe that here are seven Kings Consecrated, that obtain the Crown by the way of Election, *Eudes* Count *d'Angers*, *Robert* his Brother, Count of *Paris*, *Raoul de Bourgogne*, *Louis d'Outremer*, *Lothaire*, the last *Louis* of the  
 Race

Race of *Pepin*, and *Hugues Capet*. Observe in the second Place, some of these elected Kings were raised to the Prejudice of the Heirs: *Endes* was elected against *Charles the Simple*, the Son of a King; and *Hugues Capet* against *Charles of Lorrain*, the Son of *Lothaire*. In short It is to be observed, that even those that were of the Royal Race mounted the Throne by Election; namely, *Louis d'Outremer*, *Lothaire* his Son, and the last *Louis* his Grand-Son. It is a groundless Error, to imagine, as some say, that the Troubles the Kingdom was in at that time, gave occasion to these Elections; for it cannot be, that a Nation should pass all, at a Clap from one Custom to another. And never can judicious People be persuaded, that the French without any deliberation, have caused their Crown to pass from the state of a Successive Crown, to that of an Elective Crown. It will never be believed that *Louis d'Outremer*, *Lothaire*, and the last *Louis* would have received the Crown by Election, if incontestably it belong'd to them by the Right of Succession. After so many proofs, what regard ought there to be

had to the Testimony of that *Greek Agatheas*, who  
 \* *Lib. 1.* says, \* *That the Kings of France receive the Crown from Father to Son.* It is no matter for astonishment that a *Greek* should be ignorant of the Form of the French Government: But it is more strange that *Theodoric*

\* *In libro, nemius Un. tract. 6.* a *Niem* has written, \* *That Charlemagne had ordered, that the French hence forward should receive Kings by Succession:* There is nothing more impertinent and silly, than what that Author says in this place; it is fit we see the whole Passage, *Because that Charles was, says he, King of France, that Kingdom was fallen to him by Succession. But seeing that being become Emperor, he stript his Heirs of their own Estate, namely, of the Kingdom of France; he ordered that the French should have a Successive King by Right of Inheritance, who should own no Superior for the Temporals.* In this there are almost as many Faults as Words. It is well known that *Charlemagne* divided and shared *France*, *Germany*, and *Italy* among his three Children, under the same Rights and Conditions; namely, that they should be agreed to, and confirmed by the People. We have upon this Matter the Words of *Reginens*, and the very Terms of *Charles* his own Testament. Wherefore a Man so ill inform'd does in no wise deserve the being credited. Some will

will oppose against us the Authority of *Pasquier*, who calls Heresie the Opinion of those who say that the Crown of the *French* was elective. We may answer, that *Pasquier* knew not all perhaps, and might not have seen the Testament of *Charlemagne*, or had not made attention to it. Or rather we will answer, that *Pasquier* was partial, a great Enemy of the League and Leaguers; whose grand Principle it was, that though the *Bearnoïs*, so did they call *Henry*, had been lawful Heir, it was nevertheless in the Power of the States to exclude him and choose another King, because that the Crown of *France* is originally elective, and is only become successive by Usurpation. Thus *Pasquier* contradicts himself manifestly; for in the same place where he tells us that it is an Heresie to believe the Crown of *France* elective, he reckons to us seven Kings elected after one another, and tells us after what manner *Hugues Capet* and his Descendants usurped the Right of Succession, and caused insensibly the Eclipsing of that of Election. Now *Hugues Capet*, during his Life time, caused his Son *Robert* to be Anointed and Crowned by the Consent of the States of the Kingdom. *Robert* did the like with respect to *Henry* his Son; *Henry* also caused his Son *Philippe* the First to be Elected and Consecrated. The *French* finding a King ready made after the preceding ones Death, had no longer any Right to elect a new one. *Philippe* the First thought that the People and the great Men of the Kingdom had forgotten their Rights, and that a Possession of four Generations was sufficient to settle the Right of Succession. In this Fancy he neglected to cause his Son *Louis the Gross*, to be Crowned, which had like to have occasioned the Excluding of that Prince. For the Arch-Bishop of *Rheims*, and several great Men of the Kingdom stood up against his Installation. He surmounted these Difficulties, but was cautious of committing the Fault his Father had done, for during his Life time he caused his Son *Louis le Jeune* to be anointed; \*and *Lewis le Punc* caused his Son *Jehilippe the August* to be anointed. These wise Resignations admitted in the Fore-fathers time, caused Elections to be forgotten. These are *Pasquiers* own Words; that is to say, that the Crown remained still elective in the third Race, during above ten or twelve Generations, as that of the Empire is remained elective in the House of *Austria*. The Princes of that House succeed one another from Father to Son, but with this Precaution, of causing their Sons in their Life time to be chosen King of the *Romans*.

\* Lib. 2. des  
Recherches  
Cap. 9.

Wherefore the Testimony of *Pasquier* is not of any weight against so evident a Truth, and Authors that came after him, and who were exempt from the Partialities opposite to the League, have owned the Proofs of what I have newly proved. *Bernard de Girald*, Lord of *Heillan*, a famous Historiographer and Historian of France will speak for us; thus does he begin the Life of *Maroveus*: Be it as it will, after *Clodius* still'd *le Chevela's* Death, *Maroveus* was chosen King by the French; and it is to be noted, that till *Hugues Capet's* Time all the Kings of France were elected by the French; who reserved to themselves this Power of electing, banishing, and laying aside their Kings. And though the Children have sometimes succeeded their Fathers, and Brothers their Brothers, it was not by Hereditary Right, but by Election and Consent of the French, who having fared well under, and been satisfied with a King, would needs, in recompence of the Goods received from him, elect and receive for King his Son or his Brother. This will be very amply seen in the Train of his History, though some are scandalized in that we say, that our first Kings were elected and elective, as if they were born of themselves out of the Earth, without any first and moving Cause, which is the Election the People have made of them. And there is not in the World any Hereditary Monarchy and Principality, but what had first been Elective, because that the People are before Monarchs, and have made, chose and elected them, and have afterwards rendered their States Hereditary, or have suffered it by the Power of the Prince elected.

There is nothing more certain than the Master here exposed upon the Ancient form of the French Monarchy; and nothing more judicious than the Reflection added by *du Haillan* thereupon, touching the Origine of Hereditary Principalties. But if this be so, what will become of that famous *Salique Law*, which is said to have been made by *Pharamond* for the regulating the Successions to the Crown, and which orders that it shall ever go from Male to Male, with Exclusion of the Women? We shall say that the *Salique Law* is one of the greatest *Chimera's* that History ever forged, and the greatest Illusion that Quirking has invented in Processes. This is not the Place to dispute its Origine, its Antiquity, and why it is called *Salique*. I am content that it derived its name from the *Salins* an Ancient People of Germany, Inhabitants beyond the *Rhine*, and of whom *Ammian Marcellin* pretty often makes mention. I am content that it be very Ancient; Nay, I consent that it be look'd upon as an Article of the Anci-

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ent Right of the First France; but I maintain that it in no wise regards the Inheritance of the Crown. There needs no more than the representing and the reading it, to see that it is a Custom barely regarding particular Persons. Now here it is in the Original, *De terra Salica nulla portio Hereditatis transit in mulierem. Sed ubi inter Nepotes aut Pronepotes post longum tempus de Mode terra contentio suscitatur, non per stirpes, sed per Capita dividatur.* (No portion of the Salique Land is to pass to Women, it ought to belong to the Masculine Sex. But when after a long time there happens a Contention about the Alleuds, between the Grand sons and Great Grand sons, they are to be divided not by Stocks, but by Heads.) After having read this Law, a Man must be void of Sense or Conscience to maintain that it directly regards the Crown and the Succession of the Royal Family. First, It is clear that it was made only to regulate the Rights of Particular or Private Persons, for it speaks only of them: And it decrees after what manner the *Alleuds* are to be divided among the Descendants, requiring that the Dividend be made by Heads, and not by Stock. Secondly, This Law does not so much as speak of *Fiefs*, it only speaks of *Alleuds*. *Allodia*, or *Alleuds*, signifie Common Peoples Lands that pay Rents Scot and Lot, in opposition to the *Fiefs* and Nobles Lands: Consider if this has not great Report to the Crown of France, the most noble Inheritance that is in Europe. Thirdly, This sharing among the Grand Sons and Great Grand Sons by Heads, and not by Stocks, does it not much resemble the Right according to which the Crown of France gives it self to those that Inherit it. In what Age has the Kingdom been divided among the Grand Sons and Great Grand Sons, by Heads, and not by Stocks? Fourthly, Besides this, though one should go about to extend this to the most Noble *Fiefs* and to the Crown it self, by what Machins should we therein find the Exclusion of the Woman? Though the Law says, that the Woman ought not to enter into the sharing of the *Salique Land*. This ought to be understood while there are immediate Heir Males, and of the same Proximity with the Women. The usage explains the Law, according to most Customs, Women do not share with the Males in *Fiefs* and Nobles Lands. But if Male Children fail in the Family, the Daughters Inherit the most Noble Lands, and may bring them into other Families: Wherefore Women would not be Excluded by this Law from the Succession and share of the Crown, save in case that there were Male Infants.

fants. Fifthly and Lastly, This Law is Superannuated, and it is to be questioned whether it ever had Place: For we do not see that Maidens and Wives have been Excluded from Lands *en roture*, or paying Scot and Lot. It was under *Philippe de Valois* that this bonny Title was first produced, in the Dispute he had with *Edward the III. King of England*, about the Succession to the Crown of *France*: But I know not what his Advocates thought of, for it is the spoiling of a good Cause to Buoy it up with such sorry Titles. Whence should it come, some will say, that a Woman was never seen Seated upon the Throne of the *French*? Whence does this come? We have sufficiently discovered it; and it is a new and evident Proof, that the Crown of the *French* was Elective. Never was Woman Chosen to fill an Elective Crown. The People who make their Kings, make them for all uses: Not only for the Cabiner and for Government, to which Women may serve, but principally for War, for Batteling, and for Command; to which Women are useless. Under the two First Races, and until the Tenth Generation of the Third, the Kings of *France* were made by Election. Afterwards the Kings having Usurped the Inheritance, they have continued the Exclusion of the Women. An Injustice which remains as an Indubitable mark of their Usurpation. For this Exclusion not coming from the *Salique Law*, as has been ridiculously pretended; it is sensible that it only comes from that their Crown is Elective. So that for the remitting of things into their Natural Order, Kings should be made by Election, or if the Crown remains Successive, that the Daughters of Kings and their Children should be admissible to the Crown, upon failure of Male Children, in the same degree of Proximity. Now, this is the first General Proof which we have to produce, for the proving that the Crown was not Founded upon the Foot of Arbitrary Power. Let who can make Exceptions to it.

*The end of the Sixth Memorial.*